

PHILLIP A. TALBERT
United States Attorney
BRITTANY M. GUNTER
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, Ca 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES PATRICK BREEDLOVE III,

Defendant.

Case No: 22-CR-00239-JLT-SKO

STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME UNDER
SPEEDY TRIAL ACT;ORDER

STIPULATION

THE PARTIES HEREBY STIPULATE, through their respective attorneys of record, Assistant United States Attorney Brittany M. Gunter, counsel for the government, and John Frederick Garland, counsel for the defendant, James Patrick Breedlove III, (“the defendant”), that this action’s **Wednesday, August 16, 2023, status conference be continued to Wednesday, November 1, 2023, at 1:00 p.m.**

The parties likewise ask the court to endorse this stipulation by way of formal order.

The parties base this stipulation on good cause, as follows:

1. The government prepared and delivered initial discovery to defense counsel on November 9, 2022, in accordance with Rule 16. The government delivered supplemental discovery to

1 defense counsel on November 23, 2022. The government intends to produce any additional
2 supplemental discovery by August 11, 2023. The defense is and has been reviewing
3 discovery thus far provided.

- 4 2. The government will continue to follow up with law enforcement to determine the extent
5 additional supplemental discovery exists. If the government identifies additional information
6 that should be produced as supplemental discovery, the government will promptly produce it
7 to defense counsel in accordance with Rule 16.
- 8 3. As defense counsel completes his analysis of the discovery produced in this case, counsel for
9 the government will work with the defense and FBI Bakersfield and Fresno offices to ensure
10 that defense counsel is able to also timely review, upon its request, any electronic evidence in
11 this case in accord with relevant provisions of the Adam Walsh Act.
- 12 4. The parties are currently exploring the extent this case can be resolved prior to trial. Defense
13 counsel requires additional time to consult with the government and the defendant regarding
14 potential resolution of the case.
- 15 5. To the extent the parties cannot reach a resolution of the case, defense counsel requires
16 additional time to review and analyze the discovery and to consider whether experts are
17 needed.
- 18 6. The government does not object to the continuance.
- 19 7. The parties therefore stipulate that the period of time from August 16, 2023, to November 1,
20 2023, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and
21 (iv) because it results from a continuance granted by the Court at the parties' request on the
22 basis of the Court's finding that the ends of justice served by taking such action outweigh the
23 best interest of the public and the defendant in a speedy trial.

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25 IT IS SO STIPULATED.

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1 Dated: August 7, 2023

PHILLIP A. TALBERT
United States Attorney

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3 By: /s/ BRITTANY M. GUNTER
BRITTANY M. GUNTER
4 Assistant United States Attorney

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6 Dated: August 7, 2023

By: /s/ JOHN FREDRICK GARLAND
JOHN FREDRICK GARLAND
7 Attorney for Defendant
James Patrick Breedlove III

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10 **ORDER**

11 IT IS ORDERED that the status hearing currently set for August 16, 2023, at 1:00 pm is
12 continued until November 1, 2023, at 1:00 pm.

13 IT IS FURTHER ORDERED THAT the period of time from August 16, 2023, through
14 November 1, 2023, is deemed excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i)
15 and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of
16 the Court's finding that the ends of justice served by taking such action outweigh the best interest of the
17 public and the defendant in a speedy trial.
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20 Dated: 8/8/2023

Sheila K. Oberto
HONORABLE SHEILA K. OBERTO
21 United States Magistrate Judge
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